

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LACETA GLASS,

Plaintiff,

V.

**KOHL'S DEPARTMENT STORES,
INC.,**

Defendant.

Civil Action No.:

1:17-cv-

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff LACETA GLASS (“Plaintiff”), by and through her attorneys,
Kimmel & Silverman, P.C., alleges the following against KOHLS
DEPARTMENT STORES, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA").

JURISDICTION AND VENUE

2. This Court's jurisdiction arises under 28 U.S.C. § 1331, which grants this Court original jurisdiction of all civil actions arising under the laws of

1 the United States. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747,
2 181 L. Ed. 2d 881 (2012).

3 3. Defendant conducts business in the State of Georgia therefore
4 personal jurisdiction is established.

5
6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (2).

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Mableton, Georgia.

9 6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

10 7. Defendant is a national company with its principal place of business
11 located at NS56 W17000 Ridgewood Drive, Menomonee Falls, Wisconsin
12 53051.

13
14 8. Defendant is a “person” as that term is defined by 47 U.S.C. §
15 153(39).

16
17 9. Defendant acted through its agents, employees, officers, members,
18 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
19 representatives, and insurers.

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21 **FACTUAL ALLEGATIONS**

22 10. Plaintiff has a cellular telephone number.

23 11. Plaintiff has only used this number as a cellular telephone number.
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1 12. Beginning in or before June or July 2016 and continuing through
2 March 2017, Defendant called Plaintiff's cellular telephone number repeatedly.

3 13. Defendant's representatives called Plaintiff from telephone numbers
4 including, but not limited to, 262-704-9780. The undersigned has confirmed that
5 this number belongs to Defendant.
6

7 14. When contacting Plaintiff on his cellular telephone, Defendant used
8 an automatic telephone dialing system and/or pre-recorded or artificial voice.
9

10 15. Plaintiff knew Defendant as using an automatic telephone dialing
11 system and/or pre-recorded or artificial voice as calls began with a pre-recorded
12 message and/or there was a noticeable delay or silence before a representative
13 came on the line.
14

15 16. Defendant was not calling for "emergency purposes", but to collect
16 money from Plaintiff.

17 17. In or around September 2016, Plaintiff told the Defendant to stop
18 calling and that she was unemployed and could not afford to pay.
19

20 18. Once Defendant was aware that its calls were unwanted there was no
21 lawful purpose in continuing to call Plaintiff.

22 19. However, Defendant continued to call Plaintiff through March 2017.

23 20. During this time period, Plaintiff told Defendant to stop calling
24 several more times, but the calls continued.
25

1 21. Plaintiff found Defendant's repeated calls to be frustrating, annoying,
2 harassing, invasive, and upsetting.

3 22. Upon information and belief, Defendant conducts business in a
4 manner which violates the Telephone Consumer Protection Act.
5

6
7 **COUNT I**
8 **DEFENDANT VIOLATED THE TCPA**

9 23. Plaintiff incorporates the foregoing paragraphs as though the same
10 were set forth at length herein.

11 24. Defendant initiated automated calls to Plaintiff using an automatic
12 telephone dialing system and/or artificial or pre-recorded voice.
13

14 25. Defendant's calls to Plaintiff were made to collect money, not for
15 "emergency purposes."

16 26. After Defendant was told to stop calling, Defendant knew or should
17 have known it did not have consent to call and/or that any consent it thought it had
18 was revoked.
19

20 27. The acts and/or omissions of Defendant were done unfairly,
21 unlawfully, intentionally, deceptively, fraudulently, and absent bona fide error,
22 lawful right, legal defense, legal justification, or legal excuse.
23
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1 28. As a result of the above violations of the TCPA, Plaintiff has suffered
2 the losses and damages as set forth above entitling Plaintiff to an award of
3 statutory, actual, and treble damages.
4

5 WHEREFORE, Plaintiff, LACETA GLASS respectfully prays for
6 judgment as follows:
7

- 8 a. The great of all actual damages suffered pursuant to 47 U.S.C. §
9 227(b)(3)(A); OR
10 b. Statutory damages of \$500.00 per violative telephone call
11 pursuant to 47 U.S.C. § 227(b)(3)(B); OR
12 c. Treble damages of \$1,500.00 per violative telephone call
13 pursuant to 47 U.S.C. § 227(b)(3); AND
14 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); AND
15 e. Any other relief deemed appropriate by this Honorable Court.
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20 **DEMAND FOR JURY TRIAL**

21 PLEASE TAKE NOTICE that Plaintiff LACETA GLASS, demands a jury
22 trial in this case.
23
24
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Respectfully submitted,

Dated: October 6, 2017

By: /s/ Dennis R. Kurz
Dennis R. Kurz, Esq.
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2 **CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

3 The undersigned hereby certifies that the foregoing document has been
4 prepared in accordance with the font type and margin requirements of Local Rule
5 5.1 of the Northern District of Georgia, using a font type of Time New Roman
6 and a point size of 14
7

8
9 Dated: October 6, 2017

Respectfully submitted,

10
11 By: /s/ Dennis R. Kurz
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